

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,
vs.

DOUGLAS JOSEPH DAYRIDER,

Defendant.

CR-19-05-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on September 28, 2022. (Doc. 55.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on September 28, 2022. (Doc. 53.) The United States accused Douglas Dayrider (Dayrider) of violating his conditions of supervised release 1) by failing to reside at a residence approved by his probation officer on two separate occasions; 2) by failing to report for sex

offender treatment on two separate occasions and; 3) by failing to report for substance abuse treatment on two separate occasions. (Doc. 49.)

At the revocation hearing, Dayrider admitted to violating the conditions of his supervised release 1) by failing to reside at a residence approved by his probation officer on one occasion; 2) by failing to report for sex offender treatment on two separate occasions and; 3) by failing to report for substance abuse treatment on two separate occasions. The Court dismissed alleged violation 1, one of the instances of failing to reside at a residence approved by his probation officer, on the government's motion. (Doc. 53.) Judge Johnston found that the violations Dayrider admitted proved to be serious and warranted revocation, and recommended revocation of Dayrider's supervised release and recommended that Dayrider receive a custodial sentence of 6 months, with 53 months of supervised release to follow. (Doc. 121.) Dayrider was advised of his right to appeal and his right to allocute before the undersigned. The violations prove serious and warrant revocation of Dayrider's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 55) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Douglas Joseph Dayrider be sentenced to the Bureau of Prisons for 6 months, with 54 months of supervised release to follow.

DATED this 13th day of October, 2022.



Brian Morris, Chief District Judge
United States District Court